

Exhibit C

From: [Dan Horwitz](#)
To: [Sharon L. McCarthy](#); [Enzer, Samson \(USANYS\)](#); [Joseph Bondy](#)
Cc: [Tekeei, Negar \(USANYS\)](#)
Subject: RE: June 1 Discovery Proposal - United States v. Sohrab Sharma, et al., 18 Cr. 340 (LGS)
Date: Thursday, May 31, 2018 5:24:22 PM
Attachments: [image001.jpg](#)

All:

I would only add Tracy Burnett to the list of McLaughlin & Stern attorneys.

Thanks,

Dan

From: Sharon L. McCarthy [mailto:smccarthy@kflaw.com]
Sent: Thursday, May 31, 2018 4:29 PM
To: Enzer, Samson (USANYS) <Samson.Enzer@usdoj.gov>; Dan Horwitz <DHorwitz@mclaughlinstern.com>; Joseph Bondy <josephbondy@mac.com>
Cc: Tekeei, Negar (USANYS) <Negar.Tekeei@usdoj.gov>
Subject: RE: June 1 Discovery Proposal - United States v. Sohrab Sharma, et al., 18 Cr. 340 (LGS)

Dear all,

Further to my discussion of this afternoon with AUSA Enzer, I am providing a list of attorneys who did work either on behalf of Centra Tech or the individual defendants. If counsel for Mr. Farkas and/or Mr. Trapani believe that I have missed any names, please add those to the list. It is our position that all communications including the below individuals and/or their firms constitute attorney/client privileged communications and/or attorney work product and should not be reviewed by any member of the government's team working on this matter absent explicit waiver.

Centra Tech, Inc.

Allan Shutt - allan@centra.tech

Jessica Franklin - jessica@centra.tech

Jaclyn Haughom - jaclyn@centra.tech

Ballard Spahr -

Peerce, Marjorie - PeerceM@ballardspahr.com

Glen Trudel - trudelg@ballardspahr.com

David Axelrod - AxelrodD@ballardspahr.com

Thomas Burke - BurkeT@ballardspahr.com

Andrew D'Aversa - DAversaA@ballardspahr.com

Matthew Kussmaul - KussmaulM@ballardspahr.com

Peter Hardy - HardyP@ballardspahr.com

Geral Guarchini - Guarchini@ballardspahr.com

Jason Perri - PerriJ@ballardspahr.com

Saba Ashraf - AshrafS@ballardspahr.com

Mandel and Mandel -

Nina Mandel - nsm@mandel.law

David Mandel - dsm@mandel.law

Kostelanetz & Fink, LLP -

smccarthy@kflaw.com

McLaughlin & Stern -

dhorwitz@mclaughlinstern.com

Clayman & Rosenberg -

kirshner@clayro.com

Sher Tremonte -

ttrzaskoma@shertremonte.com

ISOLAS LLP

Joey Garcia - joey.garcia@isolas.gi

Jonathan - Jonathan.Garcia@isolas.gi

Jenny Chapman - jenny.chapman@isolas.gi

D4Discovery (handled e-discovery for Centra Tech in connection with subpoena responses)

@D4discovery.com

On behalf of Mr. Sharma, we request that the privilege review include a general search for @[firm name] for all of the firms listed above.

Thank you.

Sharon L. McCarthy

Kostelanetz & Fink, LLP

7 World Trade Center, 34th Fl.

New York, New York 10007

212-808-8100

212-840-6866 (Direct)

212-808-8108 (Fax)

www.kflaw.com



PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION AND/OR ATTORNEY WORK-PRODUCT

If any portion of this e-mail transmission or attachments was not intended for you, please do not read or save them. Please destroy them immediately and notify me via reply e-mail. Thank you.

From: Enzer, Samson (USANYS) [<mailto:Samson.Enzer@usdoj.gov>]

Sent: Thursday, May 31, 2018 1:01 PM

To: Sharon L. McCarthy <smccarthy@kflaw.com>; Dan Horwitz <DHorwitz@mclaughlinstern.com>; Joseph Bondy <josephbondy@mac.com>

Cc: Tekeei, Negar (USANYS) <Negar.Tekeei@usdoj.gov>

Subject: June 1 Discovery Proposal - United States v. Sohrab Sharma, et al., 18 Cr. 340 (LGS)

Dear counsel:

As you know, on or about April 10, 2018, shortly before Centra Tech, Inc. ("Centra Tech" or the "company") was evicted from the company's sole office space in Florida, Centra Tech provided numerous computers, drives, and cellphones (the "Devices") and certain hard copy documents (the "Hard Copy Documents") to the Federal Bureau of Investigation ("FBI") to ensure that those Devices and Hard Copy Documents would not be damaged or lost during the company's eviction, because those Devices and Hard Copy Documents likely contain materials responsive to grand jury subpoenas that were issued to Centra Tech on or about April 2 and 9, 2018 (the "Grand Jury Subpoenas"), and Centra Tech could not afford to pay counsel to review the contents of those Devices and the Hard Copy Documents (including for any privileged or unresponsive materials) for production. We write with a proposal for your consideration regarding discovery as to these Devices and Hard Copy Documents. Under Judge Schofield's scheduling order in this case, the parties must submit a joint proposal to Judge Schofield on this topic by Friday June 1, 2018.

Our proposal with regard to the Devices and Hard Copy Documents is as follows:

1. With respect to the Hard Copy Documents, we propose the following. By June 29, 2018, our Office will produce to all of the defendants in this case a complete copy of the Hard Copy Documents. Meanwhile, our Office will assign a team of wall reviewers who will be walled off from the prosecution team to review these Hard Copy Documents, segregate any privileged materials, and make available to the prosecution team only the non-privileged materials.
2. We have enclosed a draft spreadsheet prepared by the FBI containing an inventory of the above-referenced Devices that Centra Tech provided to the FBI. With respect to these Devices, we propose the following. The FBI will send a subset of the Devices that have been selected by agreement of the parties as detailed below (the "Selected Devices") to the FBI's Computer Analysis and Response Team ("CART") to be forensically imaged as soon as practicable. We will request that CART create forensic images of the Selected Devices by June 29, 2018, with the caveat that whether or not CART will be able to meet this deadline is dependent on CART's workload and commitments to other discovery projects. When the forensic images of the Selected Devices have been created, our Office will promptly produce to all of the defendants in this case a complete copy of the forensic images of the Selected Devices. Meanwhile, the wall team will review the contents of the forensic images of the Selected Devices, segregate any privileged materials, and make available to the prosecution team only the non-privileged materials. After the Selected Devices have been forensically imaged, the Selected Devices themselves will be returned to Centra Tech.
3. Aside from the Selected Devices, the other Devices will be returned to Centra Tech without being forensically imaged by the FBI or reviewed by the prosecution team.
4. We propose that the following devices referenced in the attached draft inventory spreadsheet, listed by custodian, be treated as "Selected Devices" for these purposes. If there are any additional devices listed on the spreadsheet that any of you believe should also

be treated as “Selected Devices,” please let us know.

Selected Devices by Custodian

Robert Farkas (two Mobewire cellphones)

Allan Shutt (iMac computer)

David Brill (MacBook Pro and HPSpectre computers)

Steven Sykes (iMac computer and iPhone)

*

*

*

Please note that from our review of the draft inventory spreadsheet that is attached, it appears that when Centra Tech provided the Devices and Hard Copy Documents to the FBI on or about April 10, 2018, Centra Tech did not provide any computers, drives, or cellphones that were used by Sohrab Sharma or Raymond Trapani, and did not provide any computers or drives that were used by Robert Farkas to the FBI. However, according to representations made to this Office by Centra Tech’s then-outside counsel at the law firm of Ballard Spahr (including the attached email dated April 4, 2018 from Ballard Spahr), in response to subpoenas issued to Centra Tech by the SEC in connection with the SEC’s parallel investigation in this matter, the Ballard Spahr firm collected forensic images of computers for Sharma and Farkas (among others), and collected Centra Tech email accounts of Sharma, Trapani and Farkas and the “support@centra.tech” email account used at various times by all three of them. We understand that Ballard Spahr began the process of reviewing these and other materials collected by Ballard Spahr, segregating privileged materials, and producing to the SEC the non-privileged materials that were responsive to the SEC’s subpoenas, but did not complete the company’s production of non-privileged materials called for by the SEC’s subpoenas.

Based on the foregoing, it appears that the documents and data that Centra Tech produced to the SEC likely do not represent the full universe of materials called for the Grand Jury Subpoenas. We will need to confer with Centra Tech (i.e., Sharma and his counsel) about how and when Centra Tech will comply with the Grand Jury Subpoenas with regard to the materials in Ballard Spahr’s possession, and to confer with each of you about discovery regarding such materials.

Samson Enzer
Assistant United States Attorney
Office of the United States Attorney
Southern District of New York
One Saint Andrew’s Plaza
New York, New York 10007
Desk: 212-637-2342
Mobile: 347-640-1762
Fax: 212-637-2387